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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,872	08/27/2001	Jean Ackermann	20757	4842
151	7590	10/15/2003		
HOFFMANN-LA ROCHE INC. PATENT LAW DEPARTMENT 340 KINGSLAND STREET NUTLEY, NJ 07110				
EXAMINER AULAKH, CHARANJIT				
ART UNIT 1625				
PAPER NUMBER				

DATE MAILED: 10/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1. According to paper no. 16 filed on Aug. 6, 2003, the applicants have canceled claim 75 and furthermore, have amended claims 47, 49, 51, 53-56, 58, 61, 68 and 71.
2. Claims 1-58 and 60-74 are now pending in the application. Claims 9, 28-41 and 64-66 remain withdrawn as being directed to non-elected inventions.

Response to Arguments

3. Applicant's arguments filed on Aug. 6, 2003 (paper no. 16) have been fully considered but they are not persuasive regarding obviousness rejections of claims 1-3, 6, 8, 10-12, 14-16, 19-27, 42-44, 73 and 74 as well as objections due to Improper Markush Group. The examiner agrees with the applicants arguments regarding definiteness and enablement of the term ---esters ---. The examiner also agrees with the applicants arguments that the instant compounds where V is other than O and either W or X is SO₂NR₁, are not homologs and therefore, will not be obvious.

Regarding Improper Markush Group, the restriction was made final as stated in the last office action. Furthermore, the applicants admit that variable X and W are critical for the common core (see page 17, first paragraph) of the instant compounds. Therefore, the applicants should either amend the claims to delete non-elected subject matter or petition the restriction requirement. In regard to obviousness rejection, the rejection is being maintained now only for those claims where V is O, n is 0, m is 3-4 and W or X represents SO₂ in the instant claims.

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NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 52, variable A15 is defined as phenyl substituted with at least one. However, this substituent is not defined.

Allowable Subject Matter

6. Claims 4, 5, 7, 13, 17, 18, 45, 46, 48, 50, 56, 57, 60, 62, 63, 67, 69, 70 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 47, 49, 51, 53-55, 58, 61, 68 and 71 are allowed.

Conclusion

8. Rejections under 35 U.S.C. 112, first paragraph and second paragraph are now withdrawn.

9. Rejection of claims 1-3, 6, 8, 10-12, 14-16, 19-27, 42-44, 73 and 74 under 35 U.S.C. 103(a) is maintained for the reasons of record.

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10. Objection of claims 1-7, 10-27, 60, 62, 63, 73 and 74 due to Improper Markush Group is maintained for the reasons of record.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chana Aulakh whose telephone number is (703) 305-4482. The examiner can normally be reached on "Monday-Thursday" from 7:30 A.M. to 6:00 P.M.

If the attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Alan Rotman, can be reached on (703) 308-4698. The fax number for this Group is (703) 308-4556.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group's receptionist whose telephone number is (703) 308-1235.


CHARANJIT S. AULAKH

PRIMARY EXAMINER